

**Routine Program Changes
To
Commonwealth of Virginia Coastal Resources Management
Program**

**Request for Concurrence
September 19, 2005**

Chesapeake Bay Preservation Area Designation
and Management Regulations
9 VAC 10-20-30 et seq.

Chesapeake Bay Preservation Act
10.1-2100 et seq.

Submitted by: The Commonwealth of Virginia
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 Virginia Coastal Program
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INTRODUCTION

The following constitutes a request by the Commonwealth of Virginia for the National Oceanic and Atmospheric Administration (NOAA) Office of Ocean and Coastal Resource Management (OCRM) to concur in the incorporation of a Routine Program Change to the Commonwealth of Virginia's Coastal Resources Management Program (CMP).

The Commonwealth of Virginia has revised the Commonwealth's enforceable policies in the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20-30 et seq. and the Chesapeake Bay Preservation Act 10.1-2100 et seq. The Commonwealth elects to submit these revisions as a Routine Program Change pursuant to 15 C.F.R. part 923, subpart H and the September 10, 2003 NOAA OCRM Guidance for Incorporating Coastal Nonpoint Pollution Control Programs into State Coastal Management Programs (NOAA CNP Incorporation Guidance), which authorizes states to elect to use this process.

ANALYSIS OF INCORPORATION

In accordance with requirements for Routine Program Changes as set forth in Coastal Zone Management Act (CZMA) 306(e), 15 C.F.R. §923.84, and the guidelines contained in OCRM's 1996 Program Change Guidance, the Commonwealth of Virginia has prepared the following analysis of the changes. The analysis: (A) explains why the proffered changes to the CMP are Routine Program Changes and not Amendments as described in 15 C.F.R. §923.80(d); and (B) identifies the enforceable policies to be added to the management program, describes the nature of each program change, and examines the impact the changes have on the existing management program.

(A) Routine Program Change

The previous Chesapeake Bay Preservation Act and Chesapeake Bay Preservation Area Designation and Management Regulations were incorporated into Virginia's Coastal Management Program (CMP) on May 29, 2000 pursuant to the Federal procedures then applicable for incorporating coastal nonpoint pollution control programs.¹ By publication in the Virginia Register Volume 18, Issue 9 (Jan. 14, 2002), effective March 1, 2002, Virginia made some revisions to the regulations, which are submitted herein. In addition, effective March 20, 2005, a technical amendment was made the Chesapeake Bay Preservation Act.

Pursuant to CZMA §306(e) and 15 C.F.R. §923.84, this analysis notifies OCRM of the Routine Program Change and explains why the program change will not result in an Amendment. Under 15 C.F.R. §923.80(d), amendments are defined as substantial changes in one or more of the five listed coastal management program areas:

- (1) uses subject to management;
- (2) special management areas;
- (3) boundaries;

¹ Virginia's coastal nonpoint program received conditional approval Feb. 23, 1998 and final approval May 16, 2001.

- (4) authorities and organization;
- (5) coordination, public involvement and national interest.

OCRM's Program Change guidance states that a substantial change is a high threshold based on a case-by-case determination. Such determination is made by reviewing indicators of substantial change, such as whether new or revised enforceable policies address coastal uses or resources not previously managed, or make major changes in the way a state CMP manages coastal uses or resources. OCRM's Program Change guidance also states that an explanation why a proposed change will not result in an Amendment should describe the elements of the State CMP that are affected.

Virginia's Chesapeake Bay Preservation Area Designation and Management Regulations provide criteria for the management of Resource Protection Areas, Resource Management Areas, and Intensely Developed Areas, and guide local governments in the implementation of performance criteria. These components are fully approved CNP policies, incorporated in the CMP, and enforceable under State law. In adopting the revisions published January 14, 2002, the Chesapeake Bay Local Assistance Board officially described the changes in the Virginia Register as follows: "1. Clarify language to minimize confusion and misinterpretation. 2. Eliminate any conflicts and unnecessary redundancies between the requirements in the regulations and those in other related state and federal laws and regulations...3. Improve vegetative buffer criteria to provide greater clarity...4. Improve agricultural conservation criteria, 5. Add criteria regarding a board/department process to review local program implementation for consistency...6. Accomplish numerous technical amendments necessitated by changes in terminology and numbering protocols."

During the 2005 General Assembly session, an amendment to the Chesapeake Bay Preservation Act (10.1-2100 et seq.) was adopted which eliminates the Chesapeake Bay Local Assistance Department and transfers responsibility for administration of the Chesapeake Bay Preservation Act to the Department of Conservation and Recreation. The change reflects language in Item 382, Subsection J, of Chapter 4 of the 2004-2006 Appropriation Act enacted during the 2004 Session (Special Session I) that eliminated the Chesapeake Bay Local Assistance Department and transferred its responsibilities to the Department of Conservation and Recreation. The Chesapeake Bay Local Assistance Board continues as the policy board for administration of the Preservation Act. The technical amendments to the Act change the name "Chesapeake Bay Local Assistance Department" to "Department of Conservation and Recreation" where appropriate.

The changes do not substantially affect the uses subject to management under the CMP, special management areas, boundaries of the coastal zone, authorities and organization, or coordination, public involvement and national interest. Hence Virginia requests concurrence in this Routine Program Change.

(B) Effect of Changes on Program

Sections affected by changes to the Chesapeake Bay Preservation Area Designation and Management Regulations are identified in the attached table, which provides a description and analysis of each regulatory change submitted for incorporation into the CMP.

As shown on the attached table, the changes are primarily reorganization, some changes to definitions, the adoption of several “purpose” sections to better guide users of the regulations, elimination of references to dates (for program submission) that had passed, and elimination of obsolete references to technical manuals and regulatory cross-references.

The regulations previously incorporated in the CMP were:

9 VAC10-20-30
9 VAC10-20-40
9 VAC10-20-50
9 VAC10-20-60
9 VAC10-20-80
9 VAC10-20-90
9 VAC10-20-100
9 VAC10-20-110
9 VAC10-20-120
9 VAC10-20-130
9 VAC10-20-140
9 VAC10-20-150
9 VAC10-20-160
9 VAC10-20-210
9 VAC10-20-220
9 VAC10-20-230
9 VAC10-20-240
9 VAC10-20-250
9 VAC10-20-260

Several of these have been renumbered or their content moved to another section for reorganization. The “purpose” sections 9 VAC10-20-70 and 9 VAC10-20-170 were not previously submitted for incorporation as they were descriptive rather than separate enforceable policies, although the 9 VAC10-20-110 “purpose” section was submitted and incorporated. The purpose sections have since been reorganized and redistributed into separate “purpose” sections in 9 VAC 10-20-70, -170, -181, 191, -211. These have been submitted for incorporation as they will assist users of the program in understanding the enforceable policies embodied in the reorganized regulations. Sections at 9 VAC 10-20-215, -211, -225 are administrative sections.

Section 10.1-2106 (Definitions) of the Chesapeake Bay Preservation Act was the only section amended that was previously incorporated in the Virginia Coastal Management Program and is incorporated herein.

The Routine Program Change will be inserted in the CMP Document in Chapter III, Core Regulatory Program I (Coastal Lands Management).

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Regulatory Change	Status in 2000	Change To Reg. Since Incorporation	Significance of Change
9VAC10-20-30. Purpose of chapter.	Part of approved CMP	<ul style="list-style-type: none"> Existing purpose to establish criteria for requirements that local governments shall incorporate into their plans and ordinances “to protect” the quality of state waters pursuant to Va. Code 10.1-2109 and 10.1-2111, slightly revised to read “to ensure that the use and development of land in the Chesapeake Bay Preservation Areas shall be accomplished in a manner that protects” the quality of state waters pursuant to Va. Code 10.1-2109 and 10.1-2111. 	<ul style="list-style-type: none"> Does not represent a substantial change. Revision tracks the language of 10.1-2111 (already incorporated). The existing citations already referred to the Chesapeake Bay Preservation Areas.
9VAC10-20-40. Definitions.	Part of approved CMP	<ul style="list-style-type: none"> Removed references to obsolete federal manuals from definitions of “Highly erodible soils” and “Highly permeable soils,” corrected subsection numbers in “Local program adoption date,” and amended cross-references under “Tidal wetlands” to reflect statutory recodification. “Resource Protection Area” amended to define as lands “adjacent to water bodies with perennial flow” rather than “at or near the shoreline,” and deleted unnecessary related definitions of “Shoreline” and “Tributary stream.” Added definition for “Silvicultural activities” as forest management provisions in accordance with best management practices developed by the state forester under 10.1-1105 of the Code of Virginia. 	<ul style="list-style-type: none"> Does not represent a substantial change. Changes were effected for clarification and precision. Clarified and simplified definitions to remove ambiguity. Does not represent a substantial change; no change in authorities, special management areas or boundaries. Silvicultural activities in accordance with these state forester BMPs were already defined in previously existing 9 VAC 10-20-120.10, which was already incorporated. Not a substantial change.
9VAC10-20-50. Local program	Part of approved CMP	<ul style="list-style-type: none"> No change 	

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development.	approval		
9VAC10-20-60. Elements of program.	Part of approved CMP	<ul style="list-style-type: none"> •Removed dates for local governments to adopt elements of the program (already past), and corrected regulatory references to reflect current numbering. 	<ul style="list-style-type: none"> •Not a substantial change.
9VAC10-20-70. Purpose.	Not included in the approved CMP	<ul style="list-style-type: none"> •Not submitted in 2000 as it was merely explanatory that “the criteria in this part provide direction for local government designation” of the areas subject to the incorporated performance criteria in the subsequent sections. 	<ul style="list-style-type: none"> •Not a substantial change. Should be included as a part of the program
9VAC10-20-80. Resource Protection Areas.	Part of approved CMP	<ul style="list-style-type: none"> •Amended to insert “At a minimum” before the lands that constitute the Resource Protection Area. The phrase “at or near the shoreline” was changed to “adjacent to water bodies with perennial flow” and the term “tributary streams” was amended throughout this section to “water bodies with perennial flow” in accordance with the definition simplifications in 9VAC10-20-40 above. Added “considered by the local government to meet” describing criteria for “Such other lands.” Renumbered existing prohibition on reduction of a Resource Protection Area buffer area absent reliable, site-specific information, and substituted “modification” for “reduction.” Added subsection stating that for generally determining whether water bodies have perennial flow, local governments may use one of two stipulated methods as long as the methodology is adopted into the local 	<ul style="list-style-type: none"> • Not substantial changes. The language revisions were adopted for clarification and precision, and for reduction of redundancy in the regulation. They do not change uses subject to management; special management areas; boundaries; authorities and organization; coordination, public involvement and national interest.

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		program and applied consistently. Replaced in defining the full buffer area “equivalent measures in compliance with Part IV” with “encroachments, and permitted vegetation clearing in compliance with Part IV.”	
9VAC10-20-90. Resource Management Areas.	Part of approved CMP	<ul style="list-style-type: none"> • Amendments in the subsection of land categories considered for inclusion in the Resource Management Area: “and, where mapping resources indicate the presence of these land types contiguous to the Resource Protection Area, should be included in designation of Resource Management Areas.” Existing requirements in subsection C referencing evaluation criteria for Resource Management Areas added guidelines for evaluating the relationships of stipulated land categories to water quality protection for local governments with few or no evident Resource Management Area land types and for localities with no mapping resources or with mapping resources for only portions of their jurisdiction. 	<ul style="list-style-type: none"> • References to use of mapping resources where available do not represent substantial changes. There is no change in uses, special management areas, boundaries, or authorities. Language revisions were for clarification consistent with the Board’s existing “Board Determination of Consistency Regarding Local Designation of RMA, dated July 24, 1991 and used throughout the life of the program.
9VAC10-20-100. Intensely Developed Areas.	Part of approved CMP	<ul style="list-style-type: none"> • Updated the clause stipulating the timing of conditions for the designation of Intensely Developed Areas by changing the temporal requirements from current conditions to conditions that “existed at the time the local program was originally adopted.” Included “constructed stormwater drainage systems” along with public sewer and water systems. 	<ul style="list-style-type: none"> • Do not represent substantial changes. The language revisions were for precision and reflect that the conditions defining “intensely developed areas” are now past. No changes in uses subject to management; special management areas; boundaries; authorities and organization; coordination, public

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			involvement and national interest.
9VAC10-20-105. Site-specific refinement of Chesapeake Bay Preservation Area boundaries.	Part of approved CMP [was 9VAC10-20-110.B]	<ul style="list-style-type: none"> Revises existing language requiring local governments, as part of their plan-of-development review process or during their review of a water quality impact assessment in connection with proposed development, to conduct or confirm a reliable, site-specific evaluation and to adjust Resource Protection Areas based on the evaluation where necessary. 	<ul style="list-style-type: none"> Does not represent a substantial change. This section is based on a former subsection B of 9 VAC10-20-110, which was previously incorporated.
9VAC10-20-110. Purpose	Part of approved CMP	<ul style="list-style-type: none"> Rephrased nonpoint source goal to require no net increase from development on previously developed land “where the runoff was treated by a water quality protection best management practice” and a 10 percent decrease “where the runoff was not treated by one or more water quality best management practices.” Moved former subsection B to 9 VAC 10-20-105 (above). Added subsection D requiring local governments to incorporate the criteria into their comprehensive plans, zoning ordinances and subdivision ordinances and granting discretion to incorporate such criteria in such other ordinances and regulations as appropriate in accordance with the pertinent statutes and regulations. 	<ul style="list-style-type: none"> The redevelopment performance standards of no net increase, and 10 percent decrease moved here from existing 9 VAC 10-20-120.8, which was previously incorporated. No substantial change in uses, authorities. The requirement to incorporate performance criteria into plans and ordinances and others as appropriate was already required in former 9 VAC 1020-140 and Va. Code 10.1-2107, -2109, and 211, all of which were already incorporated.
9VAC10-20-120. General performance criteria.	Part of approved CMP	<ul style="list-style-type: none"> Minor wording changes eliminate ambiguity by substituting “proposed” for “desired” and “allowed” uses not yet 	<ul style="list-style-type: none"> Language revisions were for clarification and precision purposes.

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		<p>approved, substitute “practicable” for “possible” to eliminate ambiguity, and update the numbering of cross-references to laws and regulations.</p> <ul style="list-style-type: none"> •Amended to state how local governments will implement performance criteria -- [t]hrough their applicable land use ordinances, regulations and enforcement mechanisms.” •Added clauses to standards for on-site sewage treatment systems not requiring a VPDES permit, allowing local governments discretion to offer stipulated alternatives to mandatory pump-outs at least every five years, and an alternative for new construction of installing an approved alternating drainfield system rather than a 100 percent capacity reserve disposal site. •Amended the stormwater management criterion to cross-reference Virginia’s regulations (which apply in any event). The no-net increase for new development and 10 percent decrease for redevelopment was moved to 9 VAC 10-20-110 above. Added references to VPDES permits under the existing options for stormwater management. • Agricultural and silvicultural criteria amended by removal of obsolete manual 	<ul style="list-style-type: none"> • Language was moved to this section, it was formerly in 9 VAC 10-20-140, which was previously incorporated is therefore still included in the CMP. • Clarifies discretion for meeting existing standards through equivalent measures. • Cross-references compliance with stormwater regulations, required by the Clean Water Act. Not a substantial change; no changes in regulated uses or authorities. • Updates to regulation reflect current
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		<p>references and dates for plan submissions, monitoring, and approvals in 1991 and 1995 that had passed. Added “lands otherwise defined as agricultural land by the local government.” Requirement to have a soil and water quality conservation plan replaced with a mandate to have a soil and water quality assessment that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management and management of pesticides and, where necessary, <i>results</i> in a plan that outlines additional practices needed to ensure water quality protection. Recommendations for additional conservation practices need address only those issues applicable to the tract or field being assessed, and cost-shared practices must be designed consistent with cost-share practice standards, soil loss standards, nutrient management and soil test standards, and pest chemical standards of government regulations and extension services. Assessments are higher priorities in RPAs, and assessments and plans are submitted to local soil and water conservation district.</p>	<p>status. Lands placed under soil and water conservation plans require assessment of implementation, and lands not under plans must be assessed to determine what planning is needed. References revised to assure use of current extension and regulatory standards for such plans and practices. The local soil and water conservation district board remains the approving authority for plans, as it is under existing regulation.</p> <ul style="list-style-type: none"> • Changes to the section do not change uses subject to management; special management areas; boundaries; authorities and organization; coordination, public involvement or national interest.
9VAC10-20-130. Development criteria for Resource Protection Areas	Part of approved CMP	<ul style="list-style-type: none"> • Changes rephrase and renumber subsections of existing regulation. In allowing development within RPA eliminates continuance of a use “existing at the time of local program adoption” and substitutes development or redevelopment 	<ul style="list-style-type: none"> • Do not represent substantial changes. The language revisions were for clarification and precision purposes and for reduction of redundancy in the regulation; also relocation of provisions from other sections as

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		<p>in a designated Intensely Developed Area (which includes this under existing 9VAC-10-20-100). Authorizes uses established pursuant to subsection 4.a of the regulation (formerly authorized by B.2 - lots recorded before Oct. 1, 1989), roads or driveway crossings satisfying the regulation (already authorized by former subsection A.3), and a flood control or stormwater management facility satisfying the conditions set forth in the regulation (already authorized as a water-dependent facility under former A.1 and the definition of such facilities). Redevelopment outside Intensely Developed Areas authorized only where “no increase in impervious cover” (this was formerly part of the definition of redevelopment above 9VAC 0-20-40, but moved here as performance standard).</p> <p>The requirement for a water quality impact assessment for any proposed land disturbance in the RPA was moved from former subsection A to subsection 6. Amendments specify conditions for flood control and stormwater management facilities in Resource Protection Areas that drain or treat water from multiple development projects (see above); and exemptions for water wells, passive recreation facilities such as paths and trails, and historic preservation and archeological</p>	<p>noted.</p> <ul style="list-style-type: none"> • Additions to the regulation do not constitute substantial changes as they do not change <ul style="list-style-type: none"> (1) uses subject to management; (2) special management areas; (3) boundaries; (4) authorities and organization; (5) coordination, public involvement and national interest. • Buffer requirements set forth with more specificity, but the requirements, widths, performance standards, percentages, remain the same.
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		<p>activities in Resource Protection Areas (relocated from former 9VAC 10-20-150.C)</p> <ul style="list-style-type: none"> Existing buffer area requirements for 100-foot buffers with same percentage sediment and nutrient reduction provisions reorganized and augmented with more detail, including explicit requirements for reestablishing 100-foot wide buffers where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses. Provisions on permitted modifications, and agricultural buffer management and agricultural encroachments relocated within the section (with allowance of up to 75 foot agricultural encroachments under tight circumstances that ensure water quality protection at least the equivalent of that provided by the 100-foot buffer). Buffer requirements authorized for Intensely Developed Areas within local government discretion (from former subsection B.3). 	
9VAC10-20-140. [Repealed]	Part of approved CMP	<ul style="list-style-type: none"> This section, "Local program development", was repealed. 	<ul style="list-style-type: none"> Not a substantial change. The language in this section was moved to 9 VAC 10-20-110. D, discussed above, is therefore still included in the CMP.
9VAC10-20-150. Nonconformities, exemptions, and exceptions.	Part of approved CMP	<ul style="list-style-type: none"> Amended to replace “nonconforming use and development waivers” with “Nonconforming uses and noncomplying 	<ul style="list-style-type: none"> The language revisions were for clarification and precision purposes and for reduction of redundancy in the

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		<p>structures.”</p> <ul style="list-style-type: none"> • Amended to add “fiber-optic” facilities covered by the regulation. The term “gas” lines was amended to “natural gas” lines. “Underground telecommunications” and “cable television” lines owned, permitted, or both, by a local government or regional service authority were added to the list of local government utilities conditionally exempt from the regulation subject to existing provisos to minimize land disturbance. • Added the subsection regarding exceptions formerly found at 9 VAC 10-20-160, spelling out provisions for local procedures, and requiring that relief not be afforded for conditions or circumstances that are self-created or self-imposed. Deleted the subsection addressing exemptions for water wells, passive recreation, and historic preservation, moving it to 9 VAC 10-20-130 (noted above). 	<p>regulation as some of these requirements were formerly stated in 9VAC10-20-160 and therefore are still included in the CMP</p> <ul style="list-style-type: none"> • Itemized public facilities have the same land disturbance as the existing utility lines (e.g., “telephone” and “electric” lines were already covered). Additions to the regulation do not constitute substantial changes as they do not change uses subject to management; special management areas; boundaries; authorities and organization; coordination, public involvement and national interest
9VAC10-20-160. [Repealed]	Part of approved CMP	<ul style="list-style-type: none"> • This section, "Exceptions to the criteria", was repealed. 	<ul style="list-style-type: none"> • Not a substantial change. Content moved to 9 VAC10-20-150.C, which was previously incorporated and therefore is still included in the CMP.
9VAC10-20-170. Purpose.	Not included in the approved CMP	<ul style="list-style-type: none"> • Not submitted in 2000 as it was merely explanatory. Purpose “to assist local 	<ul style="list-style-type: none"> • Not a substantial change. Should be included as part of the program.

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		governments in the development of a comprehensive plan or plan component that is consistent with the Act, and to establish guidelines for determining the consistency of the local comprehensive plan or plan component with the Act.”	
9VAC10-20-171. Comprehensive plans.	Part of approved CMP [Was 9 VAC 10-20-220]	<ul style="list-style-type: none"> Added “and maintain, as appropriate” to the charge to local governments to establish an information base. Added to the list of information considerations: “physical constraints to development, including soil limitations,” substituted “[t]he character and location of commercial and recreational fisheries and other aquatic resources, for “other marine resources”, added “catalog of existing and potential water pollution sources,” and “public and private waterfront access areas.” Amended existing elements of this list to add “streambank” to the identified erosion problems and to excise “and location of erosion control structures” from that same clause. The list of issues to be included in policy statements for the comprehensive plan was amended to include “existing and proposed land use” in the issue of physical constraints to development; “threats to the water supply or groundwater resources from existing and potential pollution sources” in the issue of protection of potable water supply; and “other aquatic resources” in the issue of the relationship of land use to commercial and 	<ul style="list-style-type: none"> Do not represent substantial changes. The language revisions were for clarification and precision purposes. Also reduction of redundancy in the regulation, as many of these requirements were formerly stated in 9VAC10-20-220, which was previously incorporated. Additions to the regulation do not constitute substantial changes as they do not change <ol style="list-style-type: none"> (1) uses subject to management; (2) special management areas; (3) boundaries; (4) authorities and organization; (5) coordination, public involvement and national interest

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		recreational fisheries. Added “mitigation of the impacts of land use and its associated pollution upon water quality” and “shoreline and streambank erosion problems” and “reduction of existing pollution sources” as one of the means to improve potential water quality as an element on this list of issues.	
9VAC10-20-180. [Repealed]	Not included in the approved CMP	• This section, "Local assistance manual", was repealed.	• Not a substantial change. Content was moved to 9VAC10-20-215 and is addressed below and therefore is still included in the CMP.
9VAC10-20-181. Purpose.	Not included in the approved CMP	• Amendments added this provision, based on former 9 VAC 10-20-170, stating that the purpose of this part is to assist local governments in the preparation of land use and development ordinances consistent with the Act and regulations	• Not a substantial change. Amendment reflects reorganization of the regulation.
9VAC10-20-190. [Repealed]	Not included in the approved CMP	• This section, "Board to establish liaison", was repealed.	• Not a substantial change. Content of this section was moved to 9VAC10-20-221 and is therefore still included in the CMP.
9VAC10-20-191. Land development ordinances regulations and procedures.	Part of approved CMP [was 9VAC10-20-220]	• Language revised to clarify how local governments shall review and revise their land development regulations to comply with §10.1-2109. This section is based on subsection B of repealed 9VAC10-20-220.	• Not a substantial change. This section applies more generally to land development ordinances and regulations rather than specifically to zoning and subdivision ordinances.
9VAC10-20-200 to 9VAC10-20-210. [Repealed]	Part of approved CMP	Repealed.	• Not a substantial change. The substance of these sections was moved to sections 9 VAC 10-20-130 and 9

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			VAC 10-20-191 and is therefore still included in the CMP.
9VAC10-20-211. Purpose.	Not included in the approved CMP [was 9VAC10-20-170]	<ul style="list-style-type: none"> Section explains that the purpose of this part is to assist local governments in the timely preparation of local programs to implement the Act and to establish an administrative procedure for determining local program consistency with the statute. 	<ul style="list-style-type: none"> Not a substantial change. Should be included as part of the program
9VAC10-20-215. Local assistance manual.	Not included in the approved CMP [was 9VAC10-20-180]	<ul style="list-style-type: none"> Section requires the department to prepare a manual to provide guidance to assist local governments in the preparation of local programs to implement the statute and regulations. 	<ul style="list-style-type: none"> Not a substantial change. This requirement was formerly stated in 9VAC10-20-180 [Repealed]. Should be included as part of the program.
9VAC10-20-220. [Repealed]	Part of approved CMP	<ul style="list-style-type: none"> This section, "Preparation and submission of management program," was repealed. 	<ul style="list-style-type: none"> Not a substantial change. Content moved to 9VAC10-20-171, and 9VAC10-20-231 and is therefore still included in the CMP.
9VAC10-20-221. Board to establish liaison.	Not included in the approved CMP [was 9VAC10-20-190]	<ul style="list-style-type: none"> Section requires the board to establish liaison with each local government to assist in developing and implementing local programs, in obtaining technical and financial assistance, and in complying with the statute and regulations. 	<ul style="list-style-type: none"> Not a substantial change. This requirement was formerly stated in 9VAC10-20-190 [Repealed].
9VAC10-20-225. Planning district comments.	Not included in the approved CMP	<ul style="list-style-type: none"> Added this section stating that local governments are encouraged to enlist the assistance and comments of regional planning district agencies early in the development of their local programs. 	<ul style="list-style-type: none"> Not a substantial change.
9VAC10-20-230. [Repealed]	Part of approved CMP	<ul style="list-style-type: none"> This section, "Certification of local program", was repealed. 	<ul style="list-style-type: none"> Not a substantial change. Content moved to paragraph 2 of 9VAC10-20-250 and is therefore still included in

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			the CMP.
9VAC10-20-231. Preparation and submission of management program.	Part of approved CMP [was 9VAC10-210 and - 220]	<ul style="list-style-type: none"> • Requiring local governments to adopt the full management program and stipulating the criteria for local government use in preparing local programs and the board’s use in determining local program consistency, designation of Chesapeake Bay Preservation Areas, allows local governments to use civil penalties. 	<ul style="list-style-type: none"> • Does not constitute a substantial change. No changes in use, special management areas, boundaries, authorities, or coordination. Adoption requirement was formerly stated in 9VAC10-20-220 [Repealed]; amendments more clearly reflect the way the program is implemented by removing expired time limits and changing “guidelines” to “criteria” for consistency. Designation of Preservation Areas was formerly in 9VAC10-20-210 [Repealed]. Civil penalty authority based on cited sections of the Act already incorporated in CMP.
9VAC10-20-250. Administrative proceedings.	Part of approved CMP	<ul style="list-style-type: none"> • Updates cross-references to Virginia administrative process. Adds clauses for how board will carry out its responsibilities under §10.1-2103 including requirement for local government annual implementation report outlining the implementation of the local program and that the board develop a compliance review process. Added the clause addressing the manner and process of the board’s certification of continued implementation of a local program. 	<ul style="list-style-type: none"> • Do not represent substantial changes. The language revisions were for clarification and precision purposes and for reduction of redundancy in the regulation, as requirements were formerly stated in 9VAC10-20-230. [Repealed]. The amendments more clearly describe the certification process. Does not change uses, authorities, or coordination.
9VAC10-20-260. Legal proceedings.	Part of approved CMP	<ul style="list-style-type: none"> • Inserted into the clause regarding the actions of the board prior to taking legal action against a local government to ensure 	<ul style="list-style-type: none"> • Not a substantial change. The change represents the cross-referencing of the existing 9VAC10-20-250 procedure.

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		compliance the phrase which indicates that the first step is to “initiate an administrative proceeding under the Act and 9 VAC 10-20-250 to obtain such compliance...”. 	
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